

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
)	
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)	
)	
Counties' Consolidated Complaint)	
)	

**MOTION FOR LEAVE TO FILE UNDER SEAL OF DEFENDANTS BRISTOL-MYERS
SQUIBB COMPANY AND ONCOLOGY THERAPEUTICS NETWORK
CORPORATION**

Defendants Bristol-Myers Squibb Company and Oncology Therapeutics Network Corporation (together, "BMS"), move this Court for leave to file under seal (1) the Declaration of Steven M. Edwards, together with the exhibits annexed thereto, (2) the Merits Report and Declaration of Gregory K. Bell, Ph. D., together with the exhibits annexed thereto, (3) the Memorandum of Law of Defendants Bristol-Myers Squibb Company and Oncology Therapeutics Network Corp. In Support Of Motion For Summary Judgment, and (4) the Rule 56.1 Statement of Defendants Bristol-Myers Squibb and Oncology Therapeutics Network Corp. because these documents and certain of the exhibits annexed thereto contain documents, deposition testimony and/or proprietary pricing data designated as "Highly Confidential" under the terms of the protective order entered by this Court on December 13, 2002. BMS will file redacted versions of the aforementioned documents through Lexis/Nexis File and Serve.

WHEREFORE, defendants respectfully request that this Court grant them leave to file under seal (1) the Declaration of Steven M. Edwards, together with certain exhibits annexed thereto, (2) the Merits Report and Declaration of Gregory K. Bell, Ph. D., together with the

exhibits annexed thereto, (3) the Memorandum of Law of Defendants Bristol-Myers Squibb Company and Oncology Therapeutics Network Corp. In Support Of Motion For Summary Judgment, and (4) the Rule 56.1 Statement of Defendants Bristol-Myers Squibb and Oncology Therapeutics Network Corp.

Dated: Boston, Massachusetts
March 15, 2006

Respectfully Submitted,

By: /s/ Lyndon M. Tretter
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Corp.

CERTIFICATE OF SERVICE

I, Lyndon M. Tretter, hereby certify that on March 15, 2006, pursuant to Paragraph 11 of Case Management Order No. 2, I have caused to be served on all counsel of record a true and correct copy of the foregoing Motion For Leave To File Under Seal by electronic service, by sending a copy of same to Lexis/Nexis File and Serve for posting and notification to all parties.

/s/ Lyndon M. Tretter
Lyndon M. Tretter